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THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ("The Act")

PUBLIC SPACES PROTECTION ORDER (DISPERSAL)

(BALDERTON) 2024

1. Newark and Sherwood District Council ("The Council") being satisfied that:
 - a) Activities ("the activities") carried out within a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality and/or
 - b) It being likely that the activities will be carried on in a public place and that they will have such an effect,
2. And upon the Council also being satisfied that the effect or likely effect of the activities
 - Is or is likely to be of a persistent or continuing nature
 - Is or is likely to be such as to make the activities unreasonable; and
 - Justifies the restrictions imposed by this Order
3. Pursuant to the requirements of section 72 of The Act, the Council;
 - a) Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on human Rights and,
 - b) Having carried out the necessary consultation, notification and publicity and
 - c) Having undertaken relevant and appropriate Equality Act 2010, impact assessments
4. **HAS DECIDED TO MAKE This PUBLIC SPACES PROTECTION ORDER under Section 59 of the Act (and of all other enabling powers);**

5. This Public Spaces Protection Order shall come into effect on the 24 day of September 2024 for a period of 3 years. It shall expire on 24 day of September 2027, unless before it has expired, the Council extends, varies or discharges this Order.
6. This Order may be cited as the Newark and Sherwood District Council Public Spaces Protection Order (Balderton) (Dispersal) 2024.
7. This Order covers the areas shown within the district of Newark and Sherwood District Council as shown on map A (Attached)

Conditions in the Order which are prohibitions:-

8. This Order applies to land known as Balderton Lakes, Coronation Park and Lakeside Shopping Centre, Balderton, Newark, Nottinghamshire as outlined in Map A "the Land".
9. If the conditions in 10 is met, a police officer, police community support officer, or an Authorised Officer of the council ("Authorised Officer"), may direct a person who is in any location on the Land to which this order applies to:
 - a) Leave the location, or part of the location, and
 - b) Not to return to the location, or part of the location, for the period specified in the direction ("the exclusion period")
10. The condition is that an Authorised Officer has reasonable grounds to suspect the behaviour of the person has contributed to or likely to contribute to members of the public in the area being alarmed, harassed or distressed.
11. The exclusion period may not exceed 48 hours.
12. A direction under this Order-
 - a) Be given in writing, unless that is not reasonably practicable,
 - b) Must specify the area to which it relates
 - c) May impose requirements as to the time by which the person must leave the area and the manner in which the person must do so (including the routes)

13. A person, given a direction to leave by an Authorised Officer, who fails without reasonable excuse to comply with it, commits an offence.

14. PENALTY FOR BREACH OF ORDER:

- 14.1 An Authorised Officer may issue a fixed penalty notice to anyone who he/she believes has committed an offence under the terms of this Order. The Person issued with the fixed penalty notice shall have 28 days to pay the fixed penalty (in the sum of £100).

- 14.2 This will be reduced to £75 if the Fixed Penalty is paid (payment to be received by the Council) within 14 days of the date the Fixed Penalty Notice was issued. If payment is received in full within 28 days of the date the fixed penalty notice was issued, the Council will not take prosecution action.

- 14.3 Failure to pay may lead to prosecution. A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and is liable to a fine on summary conviction not exceeding level 3 on the standard scale. (Currently set to not exceed £1000.) Should the Council have to prosecute anyone in relation to this Order the Council would also seek to recover, from the offender, any reasonable costs incurred.

15. GENERAL DEFINITIONS.

- 15.1 This Order applies to the land outlined on Map A attached to this Order, and being public land.

"Public Land" means all and any land in the administrative area of the Council to which the public or a section of the public has access on payment or otherwise as a right or by virtue of express or implied permission. Such land is identified in Schedule A hereto for the purposes of Section 59(4) of the Act and in this Order is referred to as the **"Restricted Areas"**.

- 15.2 In this Order an **"Authorised Officer"** means

Police Officer/PCSO; Authorised Officers of the Council or any other person authorised in writing by the Council for the purposes of enforcement of this Order.

- 15.3 Any reference to the singular applies equally to the plural and any reference to "he" shall be read to equally apply to "she".

SCHEDULE:

The following schedule, applies and forms part of this Order.

Schedule - Map A

16. Appeals

- 16.1 Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made.
- 16.2 An interested person is someone who lives in, regularly works in, or regularly visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.
- 16.3 Interested persons can challenge the validity of this Order on two grounds:
- (a) That the Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements;
 - (b) That one of the requirements of the Act, has not been complied with.
- 16.4 When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

Executed as a deed by affixing the COMMON SEAL of NEWARK AND SHERWOOD

DISTRICT COUNCIL on the 24 day of September 2024

In the presence of:

N. W. H.
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